

## **REMARKS**

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

Entry of this Amendment is proper under 37 C.F.R. § 1.116, because the Amendment places the application in condition for allowance for the reasons discussed herein; does not raise any new issue requiring further search and/or consideration because the amendments amplify issues previously discussed throughout prosecution; does not present more new claims than canceled claims; relates to matters of form rather than substance because the added language was already present in the claims; and places the application in better form for an appeal should an appeal be necessary. The Amendment is necessary and was not earlier presented, because it is made in response to arguments raised in the Final Rejection and the Advisory Action. Entry of the Amendment, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.116, are thus respectfully requested.

The amendments are made without disclaimer or prejudice to Applicants' rights to pursue any canceled subject matter in this or a timely-filed continuing application.

### **1. Telephone call**

Applicants extend their appreciation to the Examiner for discussing the amendment of the claims presented herewith.

### **2. Status of the Claims**

Claims 13-15 and 23 are pending. Upon entry of the present amendment, claims 1-23 stand cancelled, and new claims 24-26 are presented.

### **3. Support for Claim Amendments**

New claims 24-26 are supported by original claims 13-15, for example and in the specification, for instance, on p. 28, lines 8-10; p. 33, lines 20-24; p. 40, lines 12-20; and p. 43, lines 16-33. Accordingly, the amendment to the claims does not introduce new matter.

**4. Comment**

Claim 24 is drawn to subject matter which the Examiner indicated in the Advisory Action is no longer rejected under with 35 U.S.C. §112, 2<sup>nd</sup> paragraph or 35 U.S.C. §103(a). Accordingly, Applicants believe claim 24 and the claims dependent thereon are in condition for allowance.

### **CONCLUSION**

The claims are believed in condition for allowance, which is requested in light of the amendment and remarks above. Should the Office have any questions or comments regarding the amendments or response, please contact Applicants' undersigned representative.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayments to Deposit Account 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3). If no further response is filed before February 23, 2011, then this paragraph is intended to be a **CONSTRUCTIVE NOTICE OF APPEAL** in accordance with 37 C.F.R. § 41.31(a)(1).

Applicants' representative is signing in her capacity under 37 C.F.R. §1.34 on behalf of Applicants.

Respectfully Submitted,

Date: February 3, 2011

By:



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